

The Honorable Ronald B. Leighton
United States District Judge

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JUDITH COX and CHARLES COX individually
and as Personal Representatives of the Estates of
C.J.P. and B.T.P.,

Plaintiffs,

v.

STATE OF WASHINGTON, DEPARTMENT
OF SOCIAL AND HEALTH SERVICES,
FOREST JACOBSON, ROCKY
STEPHENSON, JANE WILSON, and BILLIE
REED-LYYSKI,

Defendants.

NO. 14-05923RBL

**DECLARATION OF EVAN BARIAULT
IN SUPPORT OF PLAINTIFFS'
MOTION FOR PARTIAL SUMMARY
JUDGMENT TO STRIKE
DEFENDANTS' AFFIRMATIVE
DEFENSES NOS. 1, 2, 3, 4, 10, 11 & 12.**

I, Evan Bariault, hereby declare as follows:

1. I am an attorney of record for plaintiffs. I make this declaration based on personal
knowledge and am competent to testify to the matters contained herein.

2. Attached hereto as exhibits are true and correct copies of the following:

Exhibit 1 – DSHS Intake Forms/Documents (PLA 000014-16; 000019-21; 000024-26;
000029-31).

DECLARATION OF EVAN BARIAULT IN
SUPPORT OF PLAINTIFFS' MOTION FOR
PARTIAL SUMMARY JUDGMENT - 1

{00145725;1}

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- 1 **Exhibit 2** – Note entered by Julie Slaughter on June 28, 2011 (Cox 01010041).
- 2 **Exhibit 3** – DSHS Intake Form/Documents (PLA 000034-38).
- 3 **Exhibit 4** – Administrative Report of Incident (Pages 1-4)
- 4 **Exhibit 5** – Note entered by Rocky Stephenson (Cox 01010058).
- 5 **Exhibit 6** – Excerpts from the Deposition of Rocky Stephenson.
- 6 **Exhibit 7** – Notes regarding initial visit with Powell children after removal from Steven
7 Powell's residence. (Cox 01010059-66).
- 8 **Exhibit 8** – Excerpts from the Deposition of Billie Reed-Lyyski.
- 9 **Exhibit 9** – Declaration of Detective Gary Sanders dated August 4, 2014.
- 10 **Exhibit 10** – Declaration of Detective Teresa Berg dated August 27, 2014.
- 11 **Exhibit 11** – Excerpts from the Deposition of John Long.
- 12 **Exhibit 12** – Excerpts from the Deposition of Betsy Rodgers.
- 13 **Exhibit 13** – Visiting Plans dated September 27, 2011 and December 29, 2011. (PLA
14 000280-284; Cox 06020257-261).
- 15 **Exhibit 14** – DSHS Parent-Child-Sibling Visiting Policy. (Cox 01130441-444).
- 16 **Exhibit 15** – DSHS Social Worker Practice Guide – Visits Between Parent[s], Child[ren]
17 and Siblings. (Cox 01160001-015).
- 18 **Exhibit 16** – Excerpts from Transcript of Shelter Care Hearing held on September 28,
19 2011.
- 20 **Exhibit 17** – Shelter Care Order entered on September 28, 2011. (PLA 000081-91).
- 21 **Exhibit 18** – Order of Dependency entered on October 26, 2011. (PLA 000092-100).
- 22 **Exhibit 19** – Rocky Stephenson notes regarding interview with Jennifer Graves. (Cox
23 01010074-75).
- 24 **Exhibit 20** – Declaration of Jennifer Graves dated August 4, 2014.

- 1 **Exhibit 38** – Declaration of Forest Jacobson dated June 26, 2014.
- 2 **Exhibit 39** – Psychological Evaluation completed by Dr. Manley. (PLA 000181-202).
- 3 **Exhibit 40** – Note entered by Jacobson regarding her and Manley getting lost on way to
4 Josh Powell’s residence. (Cox 01010233-34).
- 5 **Exhibit 41** – Email from Jacobson to Josh Powell dated November 1, 2011. (Cox
6 01010208).
- 7 **Exhibit 42** – Note entered by Stephenson regarding CPS investigation. (Cox 01010289-
8 90).
- 9 **Exhibit 43** – Email from Jacobson to Serrano regarding increased visitation and notes
10 regarding same. (Cox 01010295-96).
- 11 **Exhibit 44** – Note entered by Jacobson on December 9, 2011. (Cox 01010324-25).
- 12 **Exhibit 45** – Notes entered by Jacobson regarding concerns surrounding increased
13 visitation time. (Cox 01010147; 01010223; 01010267; 01010272; 01010300-
14 01).
- 15 **Exhibit 46** – Email from Tim Atkins to Jacobson. (Cox 01010410).
- 16 **Exhibit 47** – Jacobson notes regarding Dr. Manley report. (Cox 01011856-57).
- 17 **Exhibit 48** – Addendum to Manley Report. (PLA 000207-210).
- 18 **Exhibit 49** – Email from Jacobson to Josh Powell dated January 4, 2012. (Cox 01010352).
- 19 **Exhibit 50** – Declaration of Forest Jacobson dated January 17, 2012.
- 20 **Exhibit 51** – February 1, 2012 Orders. (Cox 01011918-919; 01011921-922).
- 21 **Exhibit 52** – Declaration of Jane Ramon without exhibits dated August 4, 2014.
- 22 **Exhibit 53** – Elizabeth Griffin-Hall written statement dated February 5, 2012.
- 23 **Exhibit 54** – Autopsy Reports for C.J.P. and B.T.P. (PLA 003978-979; 003992-993).
- 24 **Exhibit 55** – Pierce County Sheriff Incident Report.
- Exhibit 56** – Transcript of Emergency Recorded Calls.

Certificate of Service

I certify that on the date noted below I electronically filed this document entitled with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following persons:

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DATED this 7th day of June, 2015, at Seattle, Washington.

/s/ Evan Bariault

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